

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 3:23-cr-154-MOC
)	
v.)	
)	
XAVIER AKEM-RASHAD DAVIS)	FACTUAL BASIS
_____)	

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a “Statement of Relevant Conduct” pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government’s “Statement of Relevant Conduct” within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

The Defendant further agrees that this Factual Basis may be used for any and all purposes by the United States, including in the event that the Defendant fails to enter or attempts to withdraw the Defendant’s plea of guilty, that it constitutes an admission, as defined by Rule 801(d)(2)(A) of the Federal Rules of Evidence, and will be admissible against the Defendant, without objection, and the Defendant knowingly and voluntarily waives the right to object to the admission of this Factual Basis on any ground, including Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410.

1. On or about March 4, 2023, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant, XAVIER AKEM-RASHAD DAVIS, knowingly possessed a stolen firearm, that is, one Glock semi-automatic handgun, which had been shipped and transported in interstate and foreign commerce, knowing and having reasonable cause to believe the firearm was stolen, all in violation of Title 18, United States Code, Sections 922(j) and 924(a)(2).

DENA J. KING
UNITED STATES ATTORNEY



STEVEN R. KAUFMAN
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, Bill of Information, and Plea Agreement in this case, and have discussed them with the Defendant. Based on those discussions, I am satisfied that the Defendant understands the Factual Basis, Bill of Information, and Plea Agreement.



Brook Antonio, II, Esq., Attorney for Defendant

DATED: 7/12/23